IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)
TUESDAY THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR
:PRESENT:
THE HON'BLE SRI. DEVINDER GUPTA, THE CHIEF JUSTICE
AND
THE HON'BLE MR JUSTICE : M.NARAYANA REDDY
WRIT PETITION NO : 22575 of 2004

Between:

The Joint Chief Environmental Engineer, A.P. Pollution Control Board, Zonal Office, R.C. Puram, Medak District.

..... Petitioner

AND

1. M/s. Venugopal Metal Industries and Stone Crushers Ramayampet, District Medak, rep. by Proprietor B. Venugopal Rao S/o B. R. Gambir Rao, 33 years, Occ: Civil Contractor, R/O H. No. 16-3-991/44, Malakpet, Hyderabad.
2. The Principal Sessions Judge, Medak at Sanga Reddy.

Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to Writ, Order or Direction, more particularly one in the nature of a Writ of Prohibition, restraining the Respondents herein from entertaining / exercising Revisional Jurisdiction against the Order No. 2239/PCB/ZO/RCP/2003-348, dated 21-06-2003 which has been passed by A.P.P.C.B. under the Air (Prevention and Control of Pollution) Act, 1981 and Consequently.

Whereas the Court upon hearing the arguments of Mr. S.V. Bhatt, Advocate for the Petitioner and of Mr. C.V. Nagarjuna Reddy, SC for APHC for Respondent No.2 observed that Prima facie, there is absolutely no jurisdiction vested in the Principal Sessions Judge, Medak at Sangareddy, to entertain any proceedings with respect to an order passed under section 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 (Act 14 of 1981) and for that reason, absolutely there is no jurisdiction for him to have entertained an application under Section 397 (1) of Code of Criminal Procedure and proceeded to suspend an order dated 21-06-2003 passed by the Joint Chief Environmental Engineer under Section 31 (A) of the Act.

And whereas this Court while directing the petitioner to take out notice and serve upon the 1st respondent directed the Registry to ensure that telephonic instructions are issued to respondent No.2 - The Principal Sessions Judge, Medak at Sangareddy, to transmit the record and proceedings of Criminal M.P. No.932 of 2003 and Criminal R.P.No.56 of 2003, to this court forthwith by special messenger.
NOTE: LIST ON 15-12-2004.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Principal Sessions Judge, Medak at Sangareddy, (BY SPL. MESSENGER WITH A COPY OF PETITION & AFFIDAVIT)
2. The Registrar (Judicial), High Court of A.P. Hyderabad. (for kind perusal)
3. The Section Officer, V.R. Section, High Court of A.P., Hyderabad.
4. The Section Officer, Writ Filling Section, High Court of A.P.,

Hyderabad.

3. B. Veugopal Rao S/O B. R. Gambir Rao, Proprietor M/s. Venugopal Metal Industries and Stone Crushers R/O Ramayampet, District Medak, (BY RPAD ALONG WITH A COPY OF PETITION & AFFIDAVIT)

5. One spare copy,

BV

HIGH COURT

HCJ
&
MNRJ

DATED : 07-12-04

ORDER:

WP NO.22573/04

DIRECTION